

**AMENDMENT TO THE DRAWING**

In response to the Examiner's objection to the drawing, the label **PRIOR ART** was added to FIGs. 1 through 4. Replacement sheets 1 through 3, which include the amended FIGs. 1-4, are attached to this Response With Amendment.

### **REMARKS**

Reexamination and reconsideration of this application in view of the following remarks is respectfully requested. By virtue of this amendment, FIGs. 1 to 4 were amended, and no claims were amended. After this amendment, Claims 1-26 remain pending in the application.

### **Allowed/Allowable Claims**

Applicants want to acknowledge and thank the Examiner for indicating in the Office Action that Claims 2-11 and 18-24 are allowed, and further that Claims 12, 13, 15, and 25 would be allowable if rewritten into independent form including all limitations of the respective independent claim and any intervening claims. Applicants assert that all of these claims are allowable in view of the following remarks, and kindly request that the Examiner reconsider all of the rejections and objections of the claims in view of the following remarks/arguments.

### **Claim Rejections - 35 USC §103 (a)**

The Examiner rejected Claims 1, 14, 16, 17, and 26, under 35 USC §103 (a) as being unpatentable over Applicant's prior art FIG. 3 in view of Kwa, U.S. Patent No. 5,255,111.

The Examiner further rejected Claims 1, 14, 16, 17, and 26, under 35 USC §103 (a) as being unpatentable over Applicant's prior art FIG. 3 in view of Doerr U.S. Patent No. 5,909,294.

Reconsideration of the Rejections of Claims 1, 14, 16, 17, and 26, under 35 U.S.C. §103 (a), as stated above, is respectfully requested for the following reasons.

First of all, Claim 14 and Claim 16 are dependant on Claim 1. Also, Claim 26 is dependant on Claim 17. Applicants assert that arguments applicable toward the device of Claim 1 should likewise apply to the corresponding method of Claim 17. Therefore, Applicants suggest that Claim 1 is representative of all of these claims with respect to an analysis of non-obviousness under 35 U.S.C. §103 (a).

The Examiner raised the following documents:

- the present application, by means of its figure 3, hereafter called "figure3",
- US 5,255,111 hereafter called "Kwa", and
- US 5,909,294 hereafter called "Doerr".

With regards to Claim 1, as representative of the claim group of Claims 1, 14, 16, 17, and 26, the Applicants submit that the following analysis compels a finding that all claims are allowable.

1. The rejection raised on the basis of the combination of "figure3"+"Kwa" does not seem justified for the following reasons.

The Applicants share the Examiner's point of view assuming that "figure3" differs from claim 1 in that it fails to teach "first inhibiting means for inhibiting the photon flux source of the second optical coupling means in response to an activation of the photon flux source of the first optical coupling means, and second inhibiting means for inhibiting the photon flux source of the first optical coupling means in response to an activation of the photon flux source of the second optical coupling means".

However, contrary to the Examiner's point of view, the Applicants consider that "Kwa" also fails to teach such a feature.

Indeed, the Examiner raised figure 1 and figure 2, of "Kwa", together with col.5, lines 25-49, of the "Kwa" description, which corresponds to figure 3 of the present application.

It seems that the Examiner considers as same both the scrambler means 141, 241 of "Kwa", and the inhibiting means of the present application.

The Applicants consider such a comparison of no possible basis since the technical effects of the scrambler means are fundamentally different from those of the presently claimed inhibiting means.

2. The rejection raised on the basis of the combination of "figure3"+"Doerr" does not seem justified for the following reasons.

The Applicants share the Examiner's point of view assuming that "Doerr" discloses the inhibiting means of the source (col. 6, lines 43-44).

However, contrary to the Examiner's point of view, the Applicants consider that "Doerr" also fails to teach a device comprising

"first inhibiting means for inhibiting the photon flux source of said second optical coupling means in response to an activation of the photon flux source of said first optical coupling means, and

second inhibiting means for inhibiting the photon flux source of said first optical coupling means in response to an activation of the photon flux source of said second optical coupling means".

Indeed, the Examiner raised figure 5, and figure 5B, together with col.6, lines 20-62, of the specification of "Doerr", in which, if one considers the cited example as first coupling means, "Doerr" fails to teach or suggest that the switching signal 503 comes from optical means of the second coupling means. With regards to Fig. 1 of "Doerr", that would mean for instance that the switching unit 104 of the WDM transceiver 100 would be commanded by the WDM transceiver 120, such a feature not being explicit.

Accordingly, in view of the remarks above, since Applicants admitted prior art of FIG. 3, the Kwa reference, the Doerr reference, or any combination thereof, do not teach, anticipate, or suggest, the presently claimed invention as recited for Claims 1, 14, 16, 17, and 26, Applicants believe that the rejection of Claims 1, 14, 16, 17, and 26, under 35 U.S.C. 103(a) has been

overcome. The Examiner should withdraw the rejection of these claims.

### Conclusion

The foregoing is submitted as full and complete response to the Office Action mailed October 4, 2006, and, in view of the preceding discussion, it is submitted that Claims 1-26 are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-26 is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless the Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

**If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.**

The Applicants believe that a fee for claims amendment is currently not due.

However, a petition for extension of time to file this Response is hereby incorporated herein. The Commissioner is authorized to charge Deposit Account **50-1556**, the appropriate fee amount to prevent this application from becoming abandoned.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account **50-1556**.

Respectfully submitted,

Date: March 5, 2007

By: \_\_\_\_\_



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